

**Press Release for the Final Report
of the Truth for Reconciliation Commission of Thailand
Monday, 17 September, 2012; 2 p.m.
at Grand Mercure Fortune Hotel, Bangkok**

The regulation of the Office of the Prime Minister relating to Investigation and Truth-seeking for National Reconciliation B.E. 2553 mandated the establishment of the Truth for Reconciliation Commission of Thailand (TRCT). The Commission was to be headed by Professor Dr. Kanit Nanakorn and eight other suitably qualified commissioners and their mandate was to carry out investigations and truth-seeking into the root causes of the problems, conflict, and violent clashes that have occurred. The aim of the Commission is to create mutual understanding and determine solutions which will lead to the prevention of further violence and damage in the future and to promote enduring reconciliation in Thailand. The period for the Commission's proceedings was fixed at 2 years – from 17 July, 2010 to 16 July, 2012.

The duties that were entrusted to the Commission were both important and difficult. The public were very interested in the outcomes of the Commission's investigation but the conflict was still ongoing so TRCT had to hold strongly to its principles in the carrying out of its procedures and to be strict in maintaining its independence and neutrality. The Commission listened to opinions and searched for people and groups from both within Thailand and from other countries that had similar thinking and would support the Commission's procedures. It also gave a priority to the system of "investigations by the people", was careful not to infringe upon the decisions of courts of justice, and employed appropriately modified principles of transitional justice in carrying out its procedures.

Throughout the full period of its operation, TRCT has carried out research and provided forums for sharing information and opinions as well as carrying out direct field work to support investigations and truth-seeking. The Commission also studied the root causes of the conflict, appropriate remedies and restitution, and measures to reduce conflict and promote reconciliation within the country. This was done by stressing public participation and by producing interim reports every six months which were presented to the Cabinet and to the public. There have been three interim reports. The first covered the period 17 July, 2010 – 16 January, 2011; the second interim report covered 17 January – 16 July, 2011; and the third interim report covered July, 2011 – March, 2012. These reports present the results of investigations and studies as well as recommendations to the government and related agencies. The reports also were distributed to the public to up-date them on the progress of the Commission.

The Report of the Truth for Reconciliation Commission of Thailand (TRCT) distributed today is a summary of the operation of TRCT throughout the last two years. It describes all of the activities of TRCT starting from basic information about TRCT including budget, personnel, and cooperation with agencies from both within Thailand and overseas and progresses on to investigations and truth-seeking, research into the root causes of the conflict, and appropriate rehabilitation and restoration. It continues on to recommendations on ways to build reconciliation in our country. There are a number of important issues dealt with and these have been divided into categories of *urgent*, *short-term*, and *long-term*. These issues include:

1. Building enduring reconciliation;
2. Employing a modified form of transitional justice;
3. The system of justice, rule of law, and democracy;
4. Good governance and respecting human rights;
5. Solving basic problems within Thai society;
6. Amending the Constitution;
7. The Monarchy under the Constitution and laws relating to defamation of the monarchy;
8. The role of mass media;
9. The role of the military;
10. Demonstrations and the rights of demonstrators;
11. Protection of doctors, nurses, and emergency medical personnel;
12. Religion;
13. Distribution of the TRCT Final Report.

TRCT wishes to request the state and all sectors of society to earnestly implement the recommendations of TRCT so as to give rise to tangible reconciliation based on mutual benefit for all and not just to select those recommendations that are beneficial to one's own group or to some specific group.

TRCT would once again like to thank all who showed an interest in and support for the procedures of TRCT as well as helped to broaden our thinking. Sincere thanks go to consultants, embassies and international organizations as well as to the media for informing people throughout the past two years about the efforts and function of TRCT. Even though the period set for TRCT's activities has come to an end, building reconciliation in our country will take time and will require sincere and tangible cooperation among all parties. TRCT hopes that the facts, findings and recommendations that appear in the final report will be an important step forward for all concerned. Further, that it will enable them to develop a mutual understanding based on the same information and to cooperate together in creating reconciliation for our country in the future.

Truth for Reconciliation Commission of Thailand (TRCT)

17 September, 2012

Approach for the Implementation of TRCT Recommendations

Recommendation	Urgent	Mid-term	Long-term
Building Sustainable Reconciliation	<p>The state and all parties implement TRCT recommendations in a tangible and earnest manner giving consideration to the mutual benefit of society at large and not choose to implement just those recommendations that benefit their own group.</p> <p>Refrain from any action that would create conflict and destroy the atmosphere for reconciliation. This includes refraining from disseminating information that would incite hatred and violence.</p> <p>All parties do not take facts that are disclosed by TRCT and elaborate on them in a way that would end in conflict or become a new issue for argument.</p> <p>Politicians do not use the political arena or political issues to incite hatred and division among the people in society.</p> <p>The government supports the establishment of neutral mechanism which will foster the continued and effective reconciliation process.</p>	<p>The state must create a venue or channel for the people to communicate together and exchange opinions. Possible options might be public forums, deliberative dialogues or public deliberation.</p> <p>All parties must be broad-minded to listen to different opinions and respect each other's rights and freedoms. They must be able to compromise and reach agreements together as well as reduce the attitude of being the winner and looking at problems just from their own point of view.</p>	<p>The government promotes learning and understanding of the root causes of the conflict so as to mutually find the approach to solve the fundamental problems and the problems inherent in the social structure.</p> <p>All parties focus on genuinely supporting the rule of law. The government adheres to the rule of law in the administration of the country so as to solve the conflict problem and build sustainable reconciliation for the country.</p>

Recommendation	Urgent	Mid-term	Long-term
<p>Application of Transitional Justice</p>	<p>The state brings perpetrators to the justice system which must be fair, equal and non-discrimination. The state strictly respects the rights and freedoms of accused persons, defendants, and the injured.</p> <p>The state should study the transitional justice and the restorative justice and apply them with the normal criminal justice.</p> <p>The state should expedite the reparation and restoration to those who had faced unfair trial and provide all necessary humanitarian assistance to them</p> <p>All parties review their role and actions in the occurred conflict and leaders of all involved parties should apologize to the public, particularly government leaders as the state was at fault in managing the conflict and allowed it to escalate into violence. They should also show their intention to not allow such violence to occur again.</p> <p>The state should not accelerate the amnesty but should consider what is appropriate in terms of timing, circumstances, and procedure. The state should also help the people understand the truth about the occurred violent incidents and the causes of the conflict.</p>	<p>The state provides reparation in a systematic and continued manner by covering various forms of damage in ways not limited to only monetary reparation.</p> <p>The state arranges for the memorialisation effort in making a record of events or archives or building a memorial for the public to remind people of the occurred violence, the victims of violence, and the damage that resulted from it.</p> <p>The state should help create an understanding of amnesty and forgiveness.</p>	<p>The utmost caution must be exercised in the passing of any amnesty law. Offences covered and conditions of the amnesty must be clearly established and detailing the specific actions by various people that would be covered under such amnesty. Further, all parties should be able to participate in such passing of law. The state should amend the law to allow trial in absentia by establishing conditions which are strict and clear. The state also considers modifying or repealing the law allowing the impunity.</p> <p>The state considers the ratification of the Rome Statute of the International Criminal Court.</p>

Recommendation	Urgent	Mid-term	Long-term
Justice System and the Rule of Law	<p>The state must promote the access to justice system that must be non-discrimination, impartial, and free from political influence. In addition, forensic science must be promoted to obtain evidence which is objective, impartial and complete.</p> <p>The state must follow the minimum standards for treatment of accused persons and defendants in criminal cases and take into account the fundamental rights of these people.</p> <p>The state must investigate excessively strong accusations against groups making political demands.</p> <p>The judiciary must take great care to exercise their authority appropriately according to the rule of law to ensure the balance of sovereignty.</p>	<p>The state and the system of justice should lead society to choose the way to manage conflict in a way that is non-violent and be careful not to become those who destroy the rule of law and neglect the rights of the people.</p> <p>The state should build confidence that agencies of the justice system are performing their duties with independence, neutrality and non-interference. Agencies in the justice system must remain neutral and strictly follows legal principles.</p> <p>The state must promote the building of mutual understanding about the rule of law. It must also support research into ways to uphold the rule of law in Thailand.</p>	<p>All parties must see the importance of establishing appropriate roles according to the rule of law and the democratic system.</p> <p>The state must provide opportunities for the people to access to and distribute information about laws and draft laws for the people to obtain broad and comprehensive information about these.</p> <p>The state must reform the law and the justice system to make it more systematic, efficient, transparent, accountable, and in compliance with the rule of law.</p>
Democracy, Good Governance, Respect for Human Rights	<p>The state builds understanding among the people regarding the democratic system which is understood differently by different people.</p> <p>Political groups, the military and the public hold to the democratic system. The conflict problem must be solved in a democratic and peaceful way. The coup must be strictly avoided and not supported by any party.</p>	<p>The state builds understanding of the basic principles of democracy, rights and freedoms enshrined in the constitution, and important aspects of the international obligations relating to human rights.</p> <p>The state promotes mechanisms to inspect the corruption which must be transparent, independent and neutral. The state must also support the inspection by civil society sector.</p>	<p>The state applies the principles of good governance in the administration of the country.</p> <p>The state promotes democratic values in the family, educational institutions, and social organizations.</p> <p>The state promotes education of the concepts and approaches to resolve</p>

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	<p>The state protects the freedom of expression within the framework of the law. This includes the protection of people from being threatened because of the exercise of such freedom.</p> <p>The state does not use the law as a political tool in restricting access to information and to an individual's right to express their opinions.</p>	<p>The state must safeguard and guarantee the fundamental human rights and freedoms of the people including prevention of any violations against those rights. The state should develop measures to prevent the grave violation of human rights.</p> <p>The state must create mechanisms of check and balance to ensure the efficiency of the exercise of power of state agencies.</p>	<p>conflicts by using peaceful means.</p> <p>The state must implement its international obligations concerning the protection of human rights and freedoms of the people.</p> <p>The state should consider amending or revoking laws which unnecessarily impact on the rights and freedoms of the people including those that conflict with the principles of human rights.</p>
<p>Solving the Fundamental Problems of Thai Society</p>	<p>The state should adjust its paradigm and management approach by stressing the participation of the public, civil society sector, and communities. State agencies need to adjust their attitude and provide more efficient service and equal treatment to the people.</p>	<p>Political groups should encourage political parties to have a policy of social reform that emphasizes on the equality of the people with regard to the benefit of the nation as a whole.</p> <p>The state should study information relating to the establishment of various public political groups, their structure and development of relations between groups, so that ways can be set in the appropriate approach to develop citizen politics.</p>	<p>The state should foster changes to the existing power structure that supports equality in national development.</p> <p>The state should reduce the role of centralized administration. It should decentralize authority to the communities and people.</p> <p>The state should reduce inequality of various forms, build a fair society, improve the quality of life of the people, develop quality education, and create mechanisms for equal access to justice.</p>

Recommendation	Urgent	Mid-term	Long-term
Amendment of the Constitution	<p>The state must not accelerate the amendment of the Constitution.</p> <p>The state must emphasize on the participation of the public in the amendment of the constitution.</p>	<p>The state builds understanding among the people about the constitution, the drafting process and the amendment process through public forums or deliberative dialogues so that the public can consider the advantages and disadvantages that may result.</p> <p>The state should foster the sense of ownership and respect for the constitution.</p>	<p>Any amendment to the constitution in the future must be in compliance with the rule of law, the principle of the supremacy of the constitution according to principles and constitutional procedures. The amendment can be made by adjusting from the previous constitutions that are accepted as legitimate according to the democratic method.</p>
The Monarchy under the Constitution	<p>All parties stop referring to the Monarchy for the purpose of obtaining political benefit and venerate the institution as being above political wrangling.</p>	<p>The political sector should establish a method for ensuring that the Monarchy is held above political conflict. Such method should be in accordance with the development of our system of democracy.</p>	<p>The state should support learning and understanding about the Monarchy and the role of the Monarchy in the democratic system. Also, promote creative and peaceful forums for the exchange of opinions.</p>
Lèse Majesté law	<p>The agencies of the justice should avoid enforcing the lèse majesté law by using broader interpretation than the law itself stipulates. Further, that they do not use criminal prosecution in an overly strict way with lack of direction, and not taking into account the sensitive nature of these cases.</p> <p>The state should promote the use of discretion by agencies in the justice system involved in the proceedings of lèse majesté in a way appropriate to the nature of the offence.</p>	<p>The state should arrange for the process of public participation that allows a variety of opinions to find the appropriate way to the amendment of lèse majesté law.</p>	<p>The state should amend the current lese majeste laws by first studying the criminal policies of other countries that have the monarchy so as to find the appropriate approach to the amendment.</p> <p>The state proceeds for the integration of work of the agencies that enforce the lèse majesté law so that they can categorize and screen relevant cases to proceed.</p>

Recommendation	Urgent	Mid-term	Long-term
The Role of the Media	<p>The media must stop presenting news that aggravates or encourages hatred.</p> <p>The media must be careful in presenting information and must be accountable to the people by presenting news to the public that is factual, complete, and circumspect according to their professional ethics.</p> <p>The state must support mechanisms that safeguard against interference in and intimidation of the media. It also must not use closure of media offices or any type of influence over the media or any other measures that impact on the freedom of the press.</p> <p>The state must strictly enforce articles of the Constitution of the Kingdom of Thailand, especially those articles that prohibit holders of political office from owning or being a shareholder in media companies as this involves a conflict of interest.</p>	<p>The media should play a role in mitigating conflict within the country by being a forum for the public to exchange opinions.</p> <p>Professional media organizations seriously perform the duty of inspecting and taking action against professional wrong-doing. The state should inform the public about the rights, freedoms, and roles of the media and also about the media's responsibilities toward society and the people.</p>	<p>Media organizations should provide systematic training to their staff and stress professional ethics. They should create a manual or handbook on reporting on conflict situations and should develop guidelines for field reporters to follow when reporting news.</p> <p>The state must support the development of mechanisms for professional self-monitoring by the media.</p> <p>The state should make a law to protect the freedom of the media.</p>
The Role of the Military	<p>The military and military leaders must be neutral and not become involved in politics, not carry out coup, and not interfere in politics in any way.</p> <p>The society or political groups must not call on or support military intervention in politics.</p>	<p>The state must improve the system of controlling military weapons and make it more efficient. Also it must implement stringent measures to eliminate the problem of illegal weapons.</p>	<p>All parties must adhere to the principle that security agencies are under the control of the civilian government (civilian control).</p> <p>The state and the army must build a professional military and foster strict adherence to the democratic system, transparency, and accountability according</p>

Recommendation	Urgent	Mid-term	Long-term
	<p>The government must refrain from using the military to solve problems connected with political conflict or public demonstrations.</p>		<p>to the principles of good governance.</p> <p>The state should consider appointing a parliamentary military ombudsman.</p> <p>The military should have strict measures in place to discipline the behavior of soldiers who are out of line. The state should also amend the Military Discipline Act B.E. 2476 to allow disciplinary measures for military officers at all levels.</p>
<p>Demonstrations and the Rights of Demonstrators</p>	<p>Demonstrators must exercise the freedom of assembly in strict accordance with the framework of the law and must refrain from inciting hatred and violence. They must take into consideration the rights and freedoms of the public and other people that did not join in the demonstration.</p> <p>People who do not join in the demonstration must be tolerant with demonstrations that are conducted according to law.</p> <p>The state must guarantee the freedom of assembly exercised peacefully without weapons and ensure the safety of the demonstrators and the facilitation of the public that do not participate in the demonstration.</p>	<p>The state should promote the creation of standards for non-violent assemblies or demonstrations and political movements.</p> <p>The state should exercise high caution in applying national security laws in managing unrest resulting from political demonstrations.</p> <p>The state should develop a strategic action plan for handling demonstrations and non-violent measures for controlling crowds.</p>	<p>If it is necessary to limit the freedom of assembly, such as through laws concerning public assembly, these measures must be according to the constitution and in accordance with international human rights. A study of how other countries handle this issue and adjusting our procedures may lead to a suitable solution.</p> <p>The state should train personnel responsible for controlling crowds according to international standards and provide the knowledge on human rights and non-violent conflict management.</p>

Recommendation	Urgent	Mid-term	Long-term
	<p>Officials in charge of crowd control must proceed according to recognized international principles and respect the rights and freedoms of the people.</p> <p>The government must prepare adequate and good quality equipment to manage demonstrations.</p>		
<p>Protection of Medical Personnel and Emergency Response Unit</p>	<p>All parties must protect and facilitate doctors, nurses, emergency medical personnel during situations of unrest.</p> <p>All parties must respect the symbol of the Red Cross and not use this symbol in incorrect ways.</p> <p>There should be coordination and discussion between all parties so that all agree that if a situation of unrest occurs what symbols will be used, what has been agreed about the use of these symbols, and how will such activities be coordinated.</p> <p>The state should organize personnel to protect doctors, nurses, and emergency medical personnel that are working in areas where there is risk.</p>	<p>The state must enforce laws covering the incorrect use of the Red Cross symbol.</p> <p>Providing medical and public health assistance must be based on international principles of humanitarian assistance, be impartial and provided to all in accordance with the medical professional ethics and with respect to the principles of human rights.</p> <p>The state must build confidence in the impartiality of doctors and encourage all to understand that causing harm to doctors is not acceptable.</p>	<p>The state promotes training for medical and public health personnel that will provide medical assistance during times of unrest.</p> <p>The state should train police and crowd-control officials so that they understand the issue of protecting doctors, nurses, and emergency medical personnel including facilitating the provision of medical assistance.</p> <p>The state should provide social benefits, restoration, and rehabilitation to medical personnel, nurses, and emergency medical personnel after they have carried out their duties.</p> <p>The state should promote the role of military medical staff and establish clearly the role of such staff.</p>

Recommendation	Urgent	Mid-term	Long-term
Religion	All parties should give importance to restoring the ethics and morality as well as support the role of religion in reducing conflict and stopping violence.	<p>Religious groups and figures should increase their role in reducing division, promoting peace, and solving social conflict in a peaceful manner.</p> <p>The religious institutions should maintain impartiality and express its impartiality when delivering religious sermons or teaching about proper conduct. It should also refrain from involvement in the political demonstrations.</p>	
Distribution of the Final Report	The state and mass media should present and disseminate the Final Report of TRCT to the public so that it becomes widely known.		

Summary of Recommendations

The TRCT is highly concerned by the ongoing conflict due to the possibility of escalation to violence through various factors. The TRCT believes that Thai society as a whole should step back and remind itself of the damage this social rift has caused over the years, and violent incidents in the past should be seen as a lesson – a reminder of what we have lost, what we need to do to stop history from repeating itself and move on to reconciliation. **The TRCT would like to call for serious implementation of its recommendations by the government and all sectors of society, with the mutual benefits of society at large in mind and without selective application of certain recommendations for any party's gain.** The TRCT's recommendations for the reconciliation process are as follows:

1. Recommendations on using the truth behind past incidents and the root causes of our conflict as lessons to foster sustainable reconciliation

The TRCT requests all parties to maintain a reconciliatory atmosphere in society, turn down any sense of rivalry, strive to prevent violence, and stop disseminating information that can incite hatred or violence. Politicians must not use their political advantage or use political arena to exacerbate the conflict for their own immediate advantage. In the implementation of the reconciliation process, the government and the political sector as a whole must take into account the necessary participation of the general public, and proceed thoroughly without any intention to accelerate the process of reconciliation. Additionally, the government must provide required information to the public and hear out citizens' opinions, thus allowing those of different political dispositions to exchange their thoughts – particularly those concerning causes of conflict problem – in a shared space.

The conflict problem has become a deep-rooted chain of issues that affect the country's core economic, social, and political structures. The TRCT wants all parties to study the root causes of the conflict in order to achieve a common understanding and seek solutions that will pave the way to reconciliation. Regarding the disclosure of facts about the conflict and past violent incidents, the TRCT is highly concerned that certain facts may be elaborated in a manner of aggravating the conflict situation. For example, certain parties may choose to present a selective set of facts to the public as an attack on their opposition. Such actions go directly against the TRCT's intentions in disclosing the truth, and the TRCT would like to request every party to refrain from this act.

Even though the TRCT's term has ended, the reconciliation process must continue with full participation from all sides. The TRCT believes that the government must embrace mechanisms that are genuinely neutral in nature to keep the reconciliation process on track. The government should provide budgetary support without interfering in the workings of

these mechanisms. One example of this is the formation of a national reconciliation network with members of neutral disposition representing every sector of Thai society and with the intention of having a leading role in reconciliation process through democratic and peaceful methods.

2. Recommendations on the transitional justice

The TRCT believes that all parties should seek to understand and implement the transitional justice according to a holistic approach without selectively using certain measures for one's own benefits. It must also be noted that the transitional justice does not in any way overrule the core justice system. The transitional system is simply a flexible counterpart that is appropriate with the current circumstances in Thai society, which is moving towards the reconciliation. The implementation of transitional justice starts with the disclosure of truth and the process of recognition of truth in a systematic manner to those affected by the conflict. The disclosed truth will then be used in subsequent prosecution, reparation, or any other initiatives of responsibility.

Prosecution

The TRCT believes that those who violated the law must be held legally accountable. The government must address legal violations of all parties through justice system which must be fair and impartial. In the TRCT's opinion, criminal acts carried out during the peak of violence and/or political tension were at least partly caused by differences in political motives and attempts to incite hatred. In some cases, it could be said that the perpetrator was not a criminal by nature, and the principle of restorative justice must be adopted in conjunction with criminal justice, which emphasizes on the punishment, in order to restore relationships between conflicting parties and bring true justice to all.

Reparation

The government must proceed with the reparation and restoration to those affected by violent incidents in a thorough, systematic, and sustained manner. The reparation measures must cover non-monetary compensation – e.g. mental rehabilitation, restoration of honour and reputation of victims, or provision of legal assistance. In addition, the government should arrange for the memorialisation effort in creating an official record of events or a memorial for the public to serve as a reminder that such incidents must be prevented from ever happening again. The TRCT also requests the government to expedite the reparation of those who had faced unfair trial as being accused of unduly harsh offenses and denied temporary release.

Apology

Based on the truth and root causes of the occurred conflict, it can be said that every party involved is responsible for the conflict to some degree. Leading figures of all parties – especially the Prime Minister at the time of the violent incidents and/or the current Prime Minister – should show responsibility for these incidents by making a public apology for the failure to effectively tackle social unrest in a peaceful manner and underlining their intention to prevent the violent incidents and grave violation of human rights from reoccurring. The TRCT wishes all parties to understand that the apology is a vital part of the reconciliation process – at once a measure of reparation by taking into consideration the honour and dignity of victims and an excellent model of political accountability in Thai society.

Amnesty

The TRCT sees the movement for National Assembly's deliberation of the Reconciliation Bill B.E. ..., which has an effect of calling for an amnesty to the perpetrators, as an attempt to accelerate the reconciliation process and a negative impact on the reconciliation atmosphere, which requires collaboration across all parties – especially from victims who will be directly affected by the amnesty. The TRCT wishes all parties to understand that amnesty is not the ultimate objective of reconciliation. With Thai society locked in a high-tension state, amnesty is a tool to be wielded with extreme caution in regard to timing, circumstances, and procedures. The principle of transitional justice must also be taken into account to address the needs of victims and affected persons, accountability of perpetrators, and encouragement of perpetrators' reparation or responsibility until those having conflicts in the past can have true understanding, forgive or compromise with one another for the amnesty. As long as there is no conclusion on the amnesty proposal, the government must actively safeguard the rights of the victims by ensuring access to justice system and proceed with the prosecution of involved persons from all sides.

The TRCT believes that the amnesty must be carried out within well-defined boundaries. Offences covered and conditions of the amnesty must be clearly established and detailing the specific actions by various people that would be covered under such amnesty in compliance with the legitimate process. Additionally, this amnesty must not take the form of self-amnesty, blanket amnesty, or impunity. To ensure accountability and prevent future serious crimes, the TRCT recommends that the government should urgently consider the ratification of the Rome Statute of the International Criminal Court, make changes to the law to allow trials *in absentia* for cases concerning grave violations of human rights with the government itself acting to ensure a fair trial.

3. Recommendations on the rule of law and the justice system

The TRCT calls on all parties to cease using the legality of law and justice system to justify their own immediate gains. Such an act would inevitably be detrimental to the public's trust in rule of law and justice system in the long run. All parties must seek to uphold the rule of law in an earnest manner, and the government must adhere to the rule of law in the administration of the country. Together, the government and the justice system must lead society's efforts to cope with conflict in a way that is non-violent while also ensuring that their own actions do not end up violating the rule of law and citizens' rights. In addition, the government must exercise its authority with due process and make arrangements for effective inspection of state power by both the government organizations and non-government organizations.

The justice system has been seen with doubt in terms of the lack of independence, external influences, and lack of inspection process – especially for cases with political involvement, in which certain groups believe that unfair trial and discrimination exist. This has led to criticism that the Thai justice system operates with a double standard. Additionally, the TRCT has found that the investigation of the cases concerning the political violence in April-May 2010 was interfered and forensic evidence in some cases were incomplete, being unable to provide justice to all parties. These issues have thrown the entire justice system into doubt for the general public. Therefore, the TRCT recommends that the government must take action to inspire confidence of general public in justice system that all agencies in the justice system are independent and free from interference. All agencies in the justice system must remain neutral, impartiality, and independent from political interference as well as adhere to the principles of equality and non-discrimination. They must also be careful in avoiding to be seen as the instruments of state which has taken part in the conflict. In particular, the judiciary, which is the last resource, must be especially careful in operating appropriately according to the rule of law and with full regard for the balance in sovereignty wielded by the executive, legislative, and judiciary branches of the state.

The government should possess a genuine understanding of the criminal justice and justice system, which should be exercised in compliance with human rights principles – namely by (1) refraining from the use of physical shackles on the defendant or detainee, (2) systematically investigating on the unduly harsh accusations, (3) providing the accused with temporary release, and (4) safeguarding the rights of victims in criminal cases through the improvement of rights notification process. In the long run, the TRCT recommends that the government must systematically reform the law and the justice system, improve

the quality of legal education and legal personnel, and focus on the development of proper ethics for lawyers.

4. Recommendations on democracy, good governance, and human rights in Thai society

The TRCT requests all parties to adhere to the principles of democracy. While democracy is not a flawless form of government, it is the best system currently available. Should any issues arise from the flaws inherent in democracy, then all parties should tolerate and learn how to address these issues in a democratic and peaceful way – e.g. parliamentary procedures, justice system through courts, or referendums. These issues must not and cannot be resolved through coups. The government must educate the people of basic democratic principles and encourage democratic conduct among families, academic institutions, and other organisations in society.

The government must apply the principles of good governance in its work to ensure that the administration of the country is effective, transparent, and accountable through effective check and balance mechanisms. The government must solve corruption and the conflict of interest while also supporting the actions of civil society sector or people' networks in inspecting the government and carrying out social sanctions against those in breach of these principles.

The government is required to protect and preserve the basic rights of people and prevent any violation of these rights. While the country remains divided by different political views, the TRCT requests that the government must protect the freedom of expression of people through peaceful means according to the law, and people must also be protected from being threatened because of the exercise of such freedom. Moreover, the law must not be used as a political tool to block or limit the access to information or the freedom to express one's opinions according to the law. Moreover, the government must comply with international obligations concerning the protection of human rights and fundamental freedom as well as amend or revoke the laws that impose unnecessarily significant limitations on citizens' rights.

5. Recommendations on solving fundamental problems in Thai society

Thai society will remain mired in conflict and on the brink of violent clashes as long as the root causes of the conflict problem remain unresolved. Such causes include socio-economic discrepancies between classes, inequality in access to resources, or an unbalanced distribution of wealth. The TRCT believes the government should be determined and has a political view to economic, social, and political reforms that address these fundamental problems through legal measures or policies designed to reduce gaps between classes, support equality in national development, improve quality of life, ensure universal fair

treatment in society, tackle economic issues, and improve the quality of education. The government should also take into account the rights and opportunities of disadvantaged citizens. Additionally, the TRCT recommends that the government step away from a centralised approach of administration and instead encourage citizen participation. By decentralising administrative power, the people can gain greater control over policies and initiatives, thus bolstering the strength of Thai democracy and strengthening the concept of citizen politics.

6. Recommendations on the amendment of constitution

The movement to accelerate the amendment of the constitution without thoroughly informing the general public and making people understand the amendment process may lead to doubts. The TRCT thus requests the government, the national assembly, politicians, and all concerned parties that the amendment of the constitution must be in compliance with the rule of law and the principle of the supremacy of the constitution, and comply with all relevant rules and stipulated procedures. The TRCT would also like to emphasize the importance of public participation in the amendment process. The government is required to supply thorough and accurate information on the amendment for the general public, allowing them to understand the issues at hand and take part in the decision making process.

The TRCT recommends that the government organise public hearing or deliberative dialogue for the discussion on provisions of the constitution and the authority of the entities under the constitution as to whether any problem exists and how to solve the problem. This will allow people to be able to carefully consider the positives, negatives, and consequences of the amendment of the constitution prior to the referendum process for the constitution which may be amended in the future. Such a process will lead to the constitution that truly belongs to the people of Thailand, and the government should foster this sense of ownership and respect for the constitution – complete with an understanding that the constitution can be amended to fit changing social circumstances through processes stipulated by the constitution.

7. Recommendations on the Monarchy

Monarchy under the constitution

Referring to the Monarchy with political issues and political conflict for the benefit of any political movements has resulted in exacerbating the conflict and the polarization of people. This also adversely affects the Monarchy and the nation as a whole. The TRCT requests all parties to cease referring to the Monarchy for political gains either directly or indirectly. All parties must express a clear intent to venerate the Monarchy as being above

all political conflicts. The government should support learning and mutual understanding about the status and role of the Monarchy in compliance with development of the constitutional monarchy. The government should also support the research regarding the Monarchy as well as promote peaceful forums for people with different views to exchange opinions.

Lèse majesté law

The TRCT requests that all parties refrain from using the lèse majesté law as a tool to attack their political opponents. Such abuse of the law does not benefit the Monarchy and pose obstacles to the reconciliation process. The TRCT views that the government and the national assembly should consider the amendment of lèse majesté law, which hands out disproportionately strong sentences, limits the discretion of the court to set appropriate sentencing and opens for anyone to accuse for the prosecution. Since this matter is very sensitive, the government must exercise utmost caution to avoid deepening the conflict in society. One possible measure is to study the legal approach of other countries with the Monarchy for amending the law appropriately.

While the lèse majesté law remains in its current state, the government should be careful in the enforcement of such law by avoiding the enforcement in a broader manner than the law itself stipulated. The government should not strictly use the criminal policy without direction or without regard to the sensitivity of the case. The government should support the use of discretion of agencies in justice system in an appropriate manner. The government should support the integration of the work of relevant agencies and the mechanism for determining appropriate criminal policy and for categorizing cases according to degree of behavior, intention, status of perpetrator, overall context of the situation, and the impact from the prosecution to the monarchy.

8. Recommendations on the media

Recommendations for media organisations

The media's conduct – especially in reporting inaccurate or distorted stories, hate speech, or incitement to violence – is a significant factor behind the current social division and escalation of the conflict to violent incident. The TRCT requests that all sides stop using the media as a tool to provoke the masses or the violence.

All media organisations must act responsibly according to their professional ethics and present the facts in the circumspect and accurate manner without any distortion. Additionally, the media should play a role in mitigating conflict in the country by serving as a public forum for opinions from all parties, allowing moderates to express themselves clearly while reducing the prominence of extremists who aim to provoke violence. The TRCT

is also of the opinion that professional media associations should develop measures to take action against the media and media profession which act against professional ethics, provide training on ethics in media work, and provide guidelines on conduct in tense or sensitive situations and field reporting.

Recommendations for the government

The government must develop measures to ensure that the media can operate independently. It must also support any mechanism that protects the media from interference and intimidation by any influences. The government must solve the problem involving ownership structure of media organisations to prevent the media domination. New laws should be enacted to safeguard the media profession to independently present the information to the public. The TRCT recommends that the government must seriously enforce provisions of the constitution pertaining to the freedom of media, particularly the provision that prohibits holders of political office from owning or being a shareholder in media business wither directly or indirectly, as this involves a conflict of interest.

The government must not use the closure of media or exercise any type of influence over the media. Instead, it must support the development of mechanisms for professional self-monitoring by the media. The government should also educate people on the roles and responsibilities of the media, thus enabling them to play a role in monitoring media conduct. In the long run, the government must support the establishment of the association for media consumer protection.

9. Recommendations on the army and military

Army and military interference in politics – especially in the form of coups – deprives Thai society of opportunities to learn how to solve political disputes in a democratic manner. This interference also leads to dissatisfaction and escalation of tension among groups that believe their sovereignty, rights, or personal gains had been infringed upon or damaged by the overthrowing of an elected government. The TRCT requests that the military and its leaders remain neutral and strictly refrain from coups or any politically-motivated actions in any way. Furthermore, politicians and society must not demand or support military involvement in politics. All parties must adhere to the principle that the military is under civilian control. The government and the military must seek to train professional soldiers with great expertise, a deeply-rooted belief in democracy, and a desire to strive for accountability according to good governance. In addition, the government should also appoint a parliamentary ombudsman to oversee the military's actions.

The use of the armed forces to solve conflicts in the country often leads to violence. The TRCT believes that the government must not use the military as a solution for political conflicts and public demonstrations in any case since the military operation in its nature is not appropriate to respond to internal strife or crowd control.

The government must improve the system of controlling military weapons and make it more efficient. Also, it must implement stringent measures to eliminate illegal weapons, illegal arms trade and to reduce weapons among the civilian population as well as criminal organizations. The army must have stringent and effective measures in place to discipline the behavior of soldiers, who are out of line, having a role with political fractions, influence groups or other groups seeking illicit gains or semi-legal and illegal business ventures – all of which are conduct that would bring the military into disrepute. The TRCT also views that the government should amend the the Military Discipline Act, B.E. 2476 to allow disciplinary measures for military officers at all levels.

10. Recommendations on demonstrations and rights of demonstrators.

The freedom of assembly is a fundamental freedom that must be guaranteed by the state. However, the exercise of such freedom must be according to the law. The TRCT requests that leaders of the demonstration and demonstrators exercise the freedom of assembly in a peaceful manner without the use of arms or the use of anything as arms. They shall adhere to the peaceful approach and strictly refrain from using any violence. This includes the behaviors or statements which incite hatred and violence as well as behaviors that challenge the officials in the demonstration area to use violence. The TRCT views that the leaders of the demonstration must show responsibility in the case of illegal demonstration or the use of violence. Meanwhile, the TRCT requests that people not taking part in the demonstration should show tolerance for the exercise of such freedom and avoid facing with the demonstrators with strong displays of dissatisfaction or violence.

The TRCT requests that the government use utmost caution in the enforcement of national security laws – e.g. Martial Law Act, B.E. 2457, Royal Decree on State Administration in Emergency Situations, B.E. 2548, and Internal Security Act, B.E. 2551 – to handle unrest caused by political demonstrations. If recklessly enforced, these laws could infringe on the basic rights and freedoms of people, conflict with the principle of proportionality, and bring harm to the general public and society. Additionally, the government must not involve the military in crowd-control operations, which should be left as a responsibility of the police or civilian officials trained specifically for crowd control. Should there be any violation of the internationally-accepted rules, the government must show responsibility, offer an apology for any damages caused, investigate the truth, provide reparation to victims, and bring the perpetrators to justice system.

To guarantee the freedom of assembly, the government must provide demonstrators with protection from interference or malicious acts by parties who oppose peaceful gatherings. The government must also facilitate people who do not participate in the demonstration. The government must develop action plans for ending the demonstration and non-violent measures for crowd control, prepare adequate and appropriate equipment for ending the demonstration, and provide training to the official to strictly follow the international standard. The readiness of security officials must be evaluated prior to and after such operations. Should there be an armed presence hidden among demonstrators with malicious intent, the government may call upon specially-trained units to carry out high-precision operations that are appropriate to the situation. In this regard, if an operation is deemed to be potentially harmful to others, the said operation must be terminated immediately.

The TRCT recommends that the government should support the development of standards for non-violent demonstrations through public hearings. Provided that there will be the standard or the law governing public assembly in the future, such standard and law must be in compliance with the constitution and international human rights taking into consideration the type and nature of the demonstrations. In this regard, the government may study the similar cases from other countries as a proper basis for this development.

11. Recommendations on the role and protection of medical personnel and emergency response units in humanitarian operations in conflict situation

The TRCT requests all parties – especially officials operating in demonstration areas – to provide protection and general assistance to medical personnel, medical supply transports, and emergency response units operating in demonstration areas. All parties should use the Red Cross symbol according to the law, and the government should enforce laws pertaining to its use in earnest. Moreover, the government should raise awareness and understanding of the role of medical personnel and services in emergency situations, thus fostering a belief that harming them or using them as tools to incite further conflict is absolutely unacceptable. Besides, the TRCT believes that medical and healthcare assistance must be provided on neutral, impartial, and humanitarian grounds and adhere to medical ethics and human rights.

The government must notify medical service personnel and emergency response units of any security operations pertaining to the unrest incident or crowd dispersal. Police officers and officials in charge of overseeing the demonstrations must be trained to possess a full understanding of standard to protect and facilitate medical personnel and emergency response units. These personnel and units must also be given adequate levels of welfare and support, while those who lost their lives should be appropriately honoured.

12. Recommendations on the role of religion

The TRCT would like to request the government and all sectors of society to give importance to restoring the ethics and morality in Thai society and promote peaceful conduct. The government should promote the role of religion in reducing conflict, preventing violence, providing mental reparation to affected persons, and encouraging sentiments that uphold peace in society. Religious figures should increase their role in reducing the violence, promoting peace and peaceful approach of conflict resolution. The religious institutions should express neutrality in its teachings and avoid any association with political movements or demonstrations, which could have a negative impact on the people's faith in the institution in a time of social discord.

13. Recommendations on the distribution of the final TRCT report

The TRCT would like to request the government and the media to present and distribute the TRCT's final report – which discloses the truth and root causes of the conflict and violent incident and provide recommendations for reconciliation – to the general public so that all parties will possess a shared understanding of the incidents and root causes of the conflict. Moreover, the public should understand the proposed solutions for solving the problem, which can lead the nation to sustainable reconciliation.

